

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO: 3427 of 2004

Between:

Sri Raja Ranga Rao Social Club Association, Jaggaiahpetta,
Krishna District,
Rep. by its President, MulasaKoteswara Rao.

..... PETITIONER

AND

Jaggaiahpetta Municipality, Rep. by its Commissioner,
Jaggaiahpetta, Krishna District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of Writ of Mandamus declaring the action of the respondent in interfering with the possession of the petitioner's club by demolishing the structures therein is illegal, arbitrary and violative of principles of natural justice and violative of Articles 19 (1) of the Constitution of India and consequently direct the respondents not to interfere and demolish the structures of the petitioner's club premises.

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondent: MR.SRINIVAS DAMMALAPATI

The Court Made the Following:

ORDER:

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This writ petition is filed seeking a writ of Mandamus to declare the action of the respondents in interfering with the possession of the petitioner's club premises as illegal and arbitrary.

Though it is not stated in the writ petition, it is stated in the counter-affidavit filed by the respondent-Municipality in C.C.No.343 of 2004, arising out of the present writ petition, that the petitioner also filed O.S.No.6 of 2004 on the file of the Junior Civil Judge, Jaggaiahpet, seeking permanent injunction restraining the respondent-Municipality from interfering with its possession.

In view of the fact that the petitioner had already filed a suit for permanent injunction, he cannot seek similar relief by way of filing the present writ petition.

Under the above circumstances, this writ petition is liable to be dismissed and is accordingly dismissed. However, the petitioner is at liberty to pursue its remedy in the suit pending i.e., O.S.No.6 of 2004.

ghn

24-06-2004

To

1. Jaggaiahpetta Municipality, Rep. by its Commissioner,
Jaggaiahpetta, Krishna District.

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